

SUPPORT FOR THE AMENDMENTS

Newly-added Claims 65-76 are supported by the specification and the original claims. Claim 65 explicitly recites that the test device is different from the skin cosmetic or skin care product. That limitation makes explicit what was implicit in Claim 54. Since Claim 54 specifies that the system contains a skin cosmetic or skin care product and a test device, those components must be different. Accordingly, no new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 65-76 are now pending. Favorable reconsideration is respectfully requested.

The present invention relates to a cosmetic or care product system, comprising:

a skin cosmetic or skin care product; and

a test device packaged within the product system, where the test device is different from the skin cosmetic or skin care product, for evaluating the effect of the skin cosmetic or skin care product on the skin over a period of time after the skin cosmetic or skin care product has been applied to the skin, and where the test device has a substrate comprising an adhesive surface. See claim 65.

The rejections of the claims under 35 U.S.C. §103(a) over Porter et al., Crotty et al. '536 (U.S. 6,174,536), Crotty et al. '596 (U.S. 5,935,596) and Bae et al. are respectfully traversed. The cited references fail to suggest the claimed product system.

Porter et al. disclose skin care compositions and methods of treating skin. See the Abstract. As recognized by the Office, Porter et al. fail to disclose or suggest a test device packaged within the product system as specified in claim 65.

Crotty et al. '536 discloses a cosmetic product for removing keratotic plugs in the form of a sheet containing a polymer composition. See the Abstract. At column 5, the reference describes that the number of plugged pores can be counted before and after treatment in order to determine efficacy. However, Crotty et al. '536 fail to disclose or suggest a test device packaged within the product system that is different from the skin cosmetic or skin care product as specified in claim 65.

Crotty et al. '596 disclose a cosmetic product for delivery of skin active agents in the form of adhesive strips. See the Abstract. As recognized by the Examiner, the reference fails to disclose or suggest a test device packaged within the product system as specified in claim 65.

Bae et al. describes an adhesive type cosmetic composition for treating wrinkles. See the Abstract. As recognized by the Examiner, the reference fails to disclose or suggest a test device packaged within the product system as specified in claim 65.

The claimed cosmetic or care product system is not suggested by the combined disclosures of Porter et al., Crotty et al. '536, Crotty et al. '596 and Bae et al. None of the references disclose or suggest a test device packaged within the product system that is different from the skin cosmetic or skin care product as specified in claim 65. Accordingly, the claimed product system is not obvious over those references. Withdrawal of these grounds of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendments submitted above in part and is respectfully traversed in part.

The newly-added claims do not recite the term “means.” The term “comprises” or “comprising” simply means that the recited element contains the feature but may contain other features as well. For example, claim 65 recites that the test device has a substrate comprising an adhesive surface. Therefore, the substrate has an adhesive surface and may contain other features as well. In view of the foregoing, the claims are definite within the meaning of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The obviousness-type double patenting rejection is believed to be obviated by the Terminal Disclaimer over application serial No. 10/622,825. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Steven P. Weihrouch

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



James J. Kelly, Ph.D.
Registration No. 41,504